

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

CIVIL JURY TRIAL PROCEDURE AND PRACTICES

BEFORE

THE HONORABLE JULIE A. ROBINSON,
UNITED STATES DISTRICT JUDGE

(REVISED November 2004)

CIVIL JURY TRIAL PROCEDURE

This procedural outline has been compiled to assist you in preparing for trial before the Honorable Julie A. Robinson, United States District Judge. Please read the following information carefully. Any questions, or requests for assistance should be directed to Monice K. Crawford, the courtroom deputy, at 785-295-7637 or KSD_Robinson_Chambers@ksd.uscourts.gov.

SETTLEMENT

It is the obligation of counsel to notify the Court of any potential settlement as far in advance of trial as possible.

JURY SELECTION

A listing of prospective jurors will be available to counsel one week in advance of the trial. This list will include: name, town of residence, and occupation. No further information will be provided.

No later than **7 days** before trial, counsel shall prepare a **joint** statement in simple terms describing the nature of the case including the claims and defenses of the parties to be read by the Court during voir dire. This statement will be used to set the context of the trial for the jury.

The Court will conduct a fairly extensive voir dire with the Court asking questions about: prior jury service, knowledge of the case, knowledge of the people and parties involved in the case, prior and/or family involvement in litigation, occupation of prospective juror and of spouse, legal education or work experience, education or work experience in fields involved in the case. The questions the Court propounds may be supplemented by questions asked by counsel. Each party is limited to thirty (30) total minutes of voir dire.

Counsel are admonished:

- a. Do not argue the case.
- b. Do not engage in efforts to educate or indoctrinate.
- c. Do not question about anticipated instructions or theories of law.

The Court will instruct the clerk to place 14 persons in the jury box, and after voir dire, and passing on all challenges for cause, plaintiff(s) will be allowed (3) peremptory challenges and the defendant(s) will be allowed (3) challenges, unless otherwise ordered by the court. The peremptory challenges will be exercised in writing, in alternating fashion beginning with the plaintiff.

Most civil jury trials will be tried to a jury of eight (8).

EXHIBITS

Counsel will maintain custody of the exhibits until they have been admitted into evidence. After admittance, the courtroom deputy will assume custody.

The courtroom deputy will maintain a master index for each party of all exhibits that have been identified, offered and admitted throughout the trial. Counsel or his/her staff may, and are encouraged to, check these lists as the trial progresses.

At the close of all evidence, the courtroom clerk will provide counsel a final listing of all admitted exhibits.

At the completion of trial, counsel must remove all bulky, oversized, sensitive or dangerous materials admitted into evidence (D. Kan. Rule 79.3), by motion to withdraw.

DEMONSTRATIVE DEVICES

The Court has available for use of counsel: (1) Overhead Projector; (1) Projection Screen; (1) TV (32") and VCR (4 Head); (1) Sony Presentation Stand; (1) Chalkboard; (1) magnetic white board with markers and magnets; (2) Easels. One of the courtrooms is equipped with a state-of-the-art evidence and presentation system. If you wish to use this courtroom, you will need to make arrangements with the courtroom deputy.

TRIAL PROCEDURE/DECORUM

The parties are positioned in the courtroom on a "first-come, first-serve" basis (the courtroom opens at 8:30 a.m.).

Soft drink cans or bottles, cups w/logos, straws, food and other inappropriate items are not permitted in the courtroom. Plain white cups are available.

Boxes and briefcases should not be placed on counsel tables during the court session.

Only licensed attorneys presenting appropriate paperwork may bring cellular phones into the courthouse. Please review the Court's policy on electronic devices for more details.

Court Schedule

Please be on time for court. The court day will generally begin at 9:00 a.m; lunch from 12:00 noon to 1:00 p.m.; and the end at 5:00 p.m. or later, as needed; one 15 minute break will be taken during the morning session, and one 15 minute break will be taken during the afternoon.

Opening Statements

In most cases, opening statements will be limited to twenty (20) minutes total per side.

Questioning of Witnesses

Pursuant to Local Rule 43.1(b) ". . .only one attorney for each party may participate in the examination or cross-examination of a witness." Counsel will use the lectern, unless otherwise permitted by the Court. Counsel shall not greet witnesses and shall not use a witness's first name.

Addressing the Court

Counsel must stand at all times when addressing the Court. If counsel wishes to approach the bench (or a witness) request permission to do so, and approach only when such permission is granted.

Avoid repeated, time-consuming side-bar conferences. If at all possible, anticipate problems and address before jury arrives, or during regular breaks.

CONTACT WITH JURORS

Once the jury has been sworn to try the case, each will be given a pin which reads **JUROR**. Counsel will make every effort to avoid any kind of contact with any member of the jury, innocent or otherwise. If such contact should occur, counsel is obligated to inform the Court immediately. Counsel are reminded that D. Kan. Rule 47.1 governs communications with jurors after trial, and that absent order by the Court granted upon good cause shown, parties, counsel, or their agents or employees shall not examine or interview any juror, either orally or in writing.

JURY INSTRUCTIONS

At the close of all evidence and after ruling on all appropriate motions, arguments on proposed jury instructions will be heard by the Court.

The Court will read the instructions to the jury **before** closing arguments by counsel.